

ORDINANCE NO. 20080214-077

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF DECKER LANE AND U.S. HIGHWAY 290 EAST AND S.H. 130 FROM UNZONED (UNZ) TO COMMERCIAL HIGHWAY SERVICES-CONDITIONAL OVERLAY (CH-CO) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from unzoned (UNZ) to commercial highway services-conditional overlay (CH-CO) combining district on the property described in Zoning Case No. C14-2007-0143, on file at the Neighborhood Planning and Zoning Department, as follows:

Tract One: A 53.37 acre tract of land, more or less, out of the William H. Sanders Survey No. 54, Abstract No. 690, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance; and

Tract Two: A 12.93 acre tract of land, more or less, out of the William H. Sanders Survey No. 54, Abstract No. 690, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance (the "Property"),

locally known as the property located at the southeast corner of Decker Lane and U.S. Highway 290 East and S.H. 130, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "C".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.

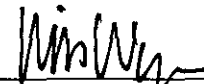
Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the commercial highway services (CH) base district, and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on February 25, 2008.

PASSED AND APPROVED

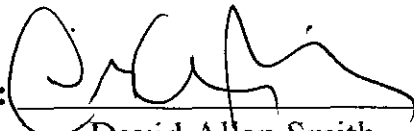
February 14, 2008

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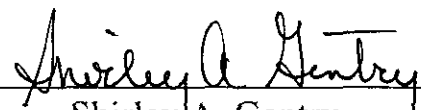
Will Wynn
Mayor

APPROVED:



David Allan Smith
City Attorney

ATTEST:



Shirley A. Gentry
City Clerk

EXHIBIT A
METES AND BOUNDS DESCRIPTION

DESCRIPTION OF A 53.37 ACRE TRACT OF LAND IN THE WILLIAM H. SANDERS SURVEY NO. 54, ABSTRACT NO. 690 IN TRAVIS COUNTY, TEXAS, AND BEING THE REMAINDER OF CALLED 60.6 ACRE TRACT OUT OF A CALL 89.60 ACRES, AS DESCRIBED IN A DISTRIBUTION DEED FROM RALEIGH ROYALL ROSS AND LUCY ROSS, AS CO-INDEPENDENT EXECUTORS TO Le CADEAU, LP AND RECORDED IN DOCUMENT NO. 1999109464, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS. SAID 53.37 ACRE TRACT OR PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½-inch iron rod found on the east right-of-way line of Decker Lane (FM 3177 having a call 120 foot wide right of way at this point), being the southwest corner of the said 60.6 acre tract and the northwest corner of a called 3.099 acre tract as described in a deed to Charles E. Pingleton and Janie L. Pingleton, recorded in Document No. 2001006038, of The Official Public Records of Travis County, Texas, from which a ½-inch iron rod found marking the westerly southwest corner of the said 3.099 acre tract and the northwest corner of a called 4.09 acre tract as described in a deed to James V. Webb Et Ux, recorded in Volume 5329, Page 179, of The Deed Records of Travis County, Texas bears **S 26°40'03" W**, a distance of **62.27** feet, and being the southwest corner of the herein described tract;

THENCE, with the said east right-of-way line of Decker Lane (FM 3177) and the west line of said 60.6 acre tract, **N 26°22'06" E**, a distance of **578.53** feet to a ½-inch iron rod with cap stamped Carter Burgess set on the south right-of-way line of U.S. Highway 290 (having a variable width right-of-way) and same being the south line of a called 7.084 acre tract to The State of Texas as described in Cause No. 2578 of the Probate Records of Travis County, Texas, being the westerly northwest corner of the herein described tract;

THENCE, with the said common line the following three (3) courses:

1. **N 73°52'55" E**, a distance of **90.32** feet to a iron rod with TxDot Aluminum cap found being a interior ell corner of the herein described tract;
2. **N 21°08'38" E**, a distance of **299.45** feet to a iron rod with TxDot Aluminum cap found being the northerly northwest corner of the herein described tract;
3. **N 65°04'04" E**, a distance of **1237.64** feet to a iron rod with TxDot Aluminum cap found in the easterly line of said 60.6 acre tract, being common with the westerly line of a called 16.5 acre tract as described in a deed to The Raleigh R. Ross Texas Surgical Society Scholarship Fund Charitable Trust, recorded in Volume 5678, Page 218 of the Deed Records of Travis County, Texas, being the southeast corner of said 7.084 acre tract, the southwest corner of a called 3.561 acre tract to The State of Texas as described in Cause No. 2583 of the Probate Court No. 1 and recorded in Document No. 2005099540 of the Official Public Records of Travis County, Texas, from which a iron rod with TxDot Aluminum cap found at the southeast corner of said 3.561 acre tract being the northwest corner of a called 5.408 acre tract as described in a deed to 290 & 130, LLC, recorded in Document No. 2005169042, of The Official Public Records of Travis County, Texas, bears **N 65°04'04" E**, a distance of **607.21** feet, said iron rod with cap being the northeast corner of the herein described tract;

THENCE, with the said common line, **S 23°40'22" E**, passing at a distance of **1167.07** feet the west line of a called 148.322 acre tract as described in a deed to Austin Boise Venture L.P., recorded in Document No. 2005107569, of The Official Public Records of Travis County, Texas, and being the said line in conflict, in all a total distance of **1170.90** feet to a 1/2-inch iron rod with cap stamped Carter Burgess set on the northeast corner of said 60.6 acre tract, being the west line of a called 151.55 acre tract as described in a Substitute Trustee Deed to George L. Dacy, Trustee recorded in Volume 10366 Page 237 of the Real Property Records of Travis County, Texas;

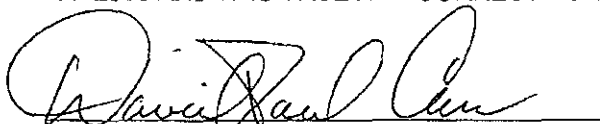
THENCE, with the east line of said 60.6 acre tract and the west line of said 151.55 acre tract, **S 26°51'03" W**, a distance of **1081.20** feet to a 6-inch diameter fence corner post found at the southeast corner of said 60.6 acre tract being the northeast corner of a called 15.00 acre tract to James V. Webb and wife, Monika Webb, recorded in Volume 4273, Page 494, of the Deed Records of Travis County, Texas, from which a 5/8-inch iron rod found marking the southwest corner of the said 151.55 acre tract bears, **S 27°22'14" W** a distance of **2260.31** feet and another 1/2-inch iron rod found bears **N 48°31'51" E** a distance of **0.83** feet;

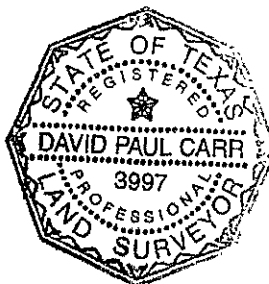
THENCE, with the south line of said 60.6 acre tract, the north line of said 15.00 acre tract and the north line of said 3.099 acre tract the following three (3) courses:

1. **N 63°03'48" W**, a distance of **534.90** feet to a 1/2-inch iron pipe found;
2. **N 53°40'48" W**, passing at a distance of **0.78** feet and to the right **0.21** feet a 1/2-inch iron rod found, in all a total distance of **548.52** feet to a 1/2-inch iron pipe found;
3. **N 78°51'54" W**, a distance of **649.22** feet to the **POINT OF BEGINNING** of the herein described tract and containing 53.37 acres of land, more or less

Basis of Bearing: The Texas Coordinate System Central Zone.

I DAVID PAUL CARR A DULY REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS DO HEREBY CERTIFY THAT THE FOREGOING METES AND BOUNDS DESCRIPTION IS BASED ON AN ACTUAL ON THE GROUND SURVEY PERFORMED UNDER MY DIRECTION AND SUPERVISION IN MAY OF 2006 AND IT IS TRUE AND CORRECT TO THE BEST OF MY BELIEF.


David Paul Carr RPLS
Texas Registration No. 3997



7/28/06
Date

12.93 Acres
The Raleigh R. Ross
Texas Surgical Society
Scholarship Fund Charitable Trust

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Travis County, Texas

EXHIBIT B

METES AND BOUNDS DESCRIPTION

DESCRIPTION OF A 12.93 ACRE TRACT OF LAND IN THE WILLIAM H. SANDERS SURVEY NO. 54, ABSTRACT NO. 690 IN TRAVIS COUNTY, TEXAS, AND BEING THE REMAINDER OF CALLED 16.5 ACRE TRACT AS DESCRIBED IN A DEED FROM RALEIGH R. ROSS TO THE RALEIGH R. ROSS TEXAS SURGICAL SOCIETY SCHOLARSHIP FUND CHARITABLE TRUST AND RECORDED IN VOLUME 5678, PAGE 218, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS. SAID 12.93 ACRE TRACT OR PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a iron rod with TxDot Aluminum cap found on the south right-of-way line of U.S. Highway 290 (having a variable width right-of-way), being on the westerly line of the said 16.5 acre tract, same being the easterly line of a called 60.6 acre tract as described in a deed to LeCadeau LP and recorded in Document No. 1999109464, of the Official Public Records of Travis County, Texas, being the southwest corner of a called 3.561 acre tract to The State of Texas as described in Cause No. 2583 of the Probate Records of Travis County, Texas and recorded in Document No. 2005099540 of the Official Public Records of Travis County, Texas, and also being the southeast corner of a called 7.084 acre tract to The State of Texas as described in Cause No. 2578 of the Probate Records of Travis County, Texas, and being the northwest corner of the herein described tract;

THENCE, with the said south right-of-way line of U.S. Highway 290 and the said south line of the 3.561 acre tract, **N 65°04'04" E**, a distance of **607.21** feet to a iron rod with TxDot Aluminum cap found on the easterly line of the said 16.5 acre tract, being the northwest corner of a called 5.408 acre tract described in a deed to 290 & 130, LLC and recorded in Document No. 2005169042, of the Official Public Records of Travis County, Texas, the westerly southwest corner of a called 7.122 acre tract described in a deed to The State of Texas and recorded in Document No. 2005012136, of the Official Public Records of Travis County, Texas, the southeast corner of the said 3.561 acre tract, and the northeast corner of the herein described tract;

THENCE, with the said east line of the 16.5 acre tract common with the west line of the said 5.408 acre tract, **S 23°40'22" E**, passing at a distance of **677.33** feet the west line of a called 148.322 acre tract as described in a deed to Austin Boise Venture L.P., recorded in Document No. 2005107569, of The Official Public Records of Travis County, Texas and being the said line of conflict, in all a total distance of **684.24** feet to a 5/8-inch iron rod with cap stamped Carter Burgess set at the northeast corner of the said 16.5 acre tract, being the southwest corner of the said 5.408 acre tract and also being on the west line of a called 151.55 acre tract as described in a deed to George L. Dacy, Trustee for Tay W. Bond and Associates and recorded in Volume 10366, Page 237 of the Real Property Records of Travis County, Texas, from which a 60D nail found bears **N27°02'00"W**, a distance of **6.61** feet, said iron rod being the northeast corner of the herein described tract;

THENCE, with the east line of the said 16.5 acre tract common with the west line of the said 151.55 acre tract, **S 26°51'03" W**, a distance of **786.47** feet to a 5/8-inch iron rod with cap stamped Carter Burgess set at the southeast corner of the said 16.5 acre tract common with the northeast corner of the said 60.6 acre tract;

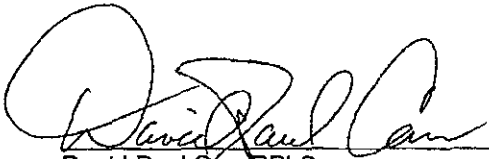
THENCE, with the common line between the said 16.5 acre tract and the said 60.6 acre tract, **N 23°40'22" W**, passing at a distance of **3.83** feet the said west line of the 148.322 acre tract and being the said line of conflict, in all a total distance of **1170.90** feet to the **POINT OF BEGINNING** of the herein described tract and containing 12.93 acres of land, more or less.

12.93 Acres
The Raleigh R. Ross
Texas Surgical Society
Scholarship Fund Charitable Trust

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Travis County, Texas

Basis of Bearings Texas Coordinate System Central Zone 4203

I DAVID PAUL CARR A DULY REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS DO
HEREBY CERTIFY THAT THE FOREGOING METES AND BOUNDS DESCRIPTION IS BASED ON AN ACTUAL
ON THE GROUND SURVEY PERFORMED UNDER MY DIRECTION AND SUPERVISION IN JULY OF 2006 AND IT
IS TRUE AND CORRECT TO THE BEST OF MY BELIEF.


David Paul Carr RPLS
Texas Registration No. 3997



7/28/06
Date

C814-90-0003

04-0003
C7A-01-001

TRACT 2

TRACT 1:

ZONING EXHIBIT C



Subject Tract:



Zoning Boundary



Pending Cases

600' OPERATOR: SM

ZONING CASE#: C14-2007-0143
ADDRESS: BECKER LANE AT 290 & 130
SUBJECT AREA: 66.3 ACRES
GRID: R28
MANAGER: R. HEIL

This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

